

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRUNSON COMMUNICATIONS, INC., :
: Plaintiff :
: : NO. 02-CV-3223
v. :
: :
ARBITRON, INC., :
: : Defendant :
:

PLAINTIFF S RESPONSE TO DEFENDANT S
MOTION TO DISMISS SECOND AMENDED COMPLAINT

Plaintiff Brunson Communications, Inc., by its undersigned attorney, hereby requests that this Court deny Defendant s Motion to Dismiss Plaintiff s Second Amended Complaint. The grounds for denial are that the Complaint adequately alleges facts upon which relief can be granted. In support of its response, Plaintiff incorporates the facts, argument and Exhibits set forth in its attached Memorandum of Law.

ROBERT J. SUGARMAN
I.D. Number 03332
Counsel for Plaintiff

OF COUNSEL:

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Dated: April 30, 2003

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ORDER

AND NOW, this ____ day of _____, 2003, upon
consideration of Defendant Arbitron, Inc.'s Motion to Dismiss
Plaintiff's Second Amended Complaint pursuant to F.R.Civ.P.
12(b)(6), and Plaintiff Brunson Communications, Inc.'s Response
thereto, it is hereby

ORDERED, ADJUDGED and DECREED that Defendant's motion is DENIED.

BY THE COURT:

MICHAEL J. BAYLSON, U.S.D.J.